

**REGULAR CITY COUNCIL MEETING
FRISCO MUNICIPAL COMPLEX
8750 MCKINNEY ROAD
COUNCIL CHAMBERS
FRISCO, TEXAS 75034
6:30 P.M.
TUESDAY, MARCH 5, 2002**

MINUTES

1. Call to Order.

Mayor Seei called the Meeting to order at 6:30 p.m. and announced a quorum was present.

Present were: Mayor Seei, Mayor Pro Tem Osuna, Deputy Mayor Pro Tem Reveal, Council member Nichols, Council member Simpson, Council member West and Council member Maso.

Staff present were: City Manager George Purefoy, Interim City Manager Jason Gray, Assistant City Manager Scott Young, Glenn Hughes, Engineer, Director of Planning John Lettelleir, Attorney for the City Richard Abernathy, City Secretary Nan Parker.

2. Invocation.

Mayor Seei offered the prayer.

3. Pledge of Allegiance.

Deputy Mayor Pro Tem Reveal led the audience in the Pledge of Allegiance.

4. Citizen Input.

Kenneth Humbrick, owner of Hickory Hills Day Care and School was present to address the Council regarding his concerns about what he called "ill-repair" of Hickory Street. He requested the city give consideration for improvements including: a) sidewalks, b) storm water drainage and c) curbs.

Tami Dale, 10100 Calverly Court was present to address the Council regarding concerns about the Frisco Football League (established under Frisco Sports Council). She stated that she has been unable to obtain a copy of the bylaws and also questioned if an audit had been done of the accounts.

Discussion only, no formal action was taken

5. Reports.

A. City Manager's update of "Project Status Tracking Report Governance Tool".

Interim Assistant City Manager Jason Gray was present to answer questions from the Council. Discussion only, no formal action was taken

B. Presentation of North Texas Soccer Association grant check to the City of Frisco.

Members of North Texas Soccer Association were present to present the City of Frisco a grant check in the amount of \$30,000.00. They informed Council that there are presently 1300 games scheduled for the spring season. The coach also informed Council that many of the youth soccer teams perform during halftime at the Frisco High School soccer games.

The Council thanked the North Texas Soccer Association for their dedication to the soccer program in Frisco, for support and organization of the practices, use of the fields and for the presentation of the funding to the City.

C. Staff reports regarding:

i. Development Services Department

Discussion only, no formal action was taken

ii. Parks Department

Superintendent of Recreation Marcy Jones was present to address the Council regarding the Eastereggestravaganza to be held at Warren Sports Complex on March 16, 2002 from 9:00 a.m. until 12:00 noon.

Director of Parks & Recreation Rick Wieland was present to address the Council and provided proposed bylaws of the Frisco Sports Council and proposed utilization plan for field use. The Council stated that they would review the proposed bylaws and information provided by Mr. Wieland and comment on them at the next council meeting.

Discussion only, no formal action was taken

iii. Planning Department and Superdrome

Director of Planning John Lettelleir informed the Council that the City had received a grant for the Green Building Program for homeowners at approximately \$2200.00 each, presented by the Clean Air Coalition.

He stated that the council had requested a list of projects required by the Comprehensive Plan, which list was included in the council packets. He stated that the Planning Department has completed thirteen projects and that sixteen are on going.

Director of the Superdome Steve Walsh, informed the Council that USA Cycling has awarded the Superdome and the City of Frisco the 2002 Masters National Championship to be held on August 6 – 10, 2002. He stated he will provide more information as the event draws closer. Mr. Walsh stated the second event the Superdome has been awarded in conjunction with the City and Collin County Community MS Society 150 Red River Challenge, two-day event May 4-5.

iv. Annexation map as of 02/02/02

City Secretary Nan Parker stated the annexation map as of 02/02/02 (aka wet/dry map) would be brought before the Council on March 19, 2002 for the Council's adoption, pending the final review and certification by Travis Roberts, Consulting Engineer for the City.

v. Progress of Development Services Process review project

Discussion only, no formal action was taken.

vi. Response to issues regarding temporary open-top waste hauling service contract.

Discussion only, no formal action was taken.

6. Consent Agenda

The Consent Agenda was considered for approval. Deputy Mayor Pro Tem Reveal stated that Harold Bacchus, Chair of the Charter Review Commission requested Item G be pulled for separate discussion. Deputy Mayor Pro Tem Reveal moved to pull Item G. Mayor Pro Tem Osuna seconded the motion. Motion carried. Vote: 6-0.

Council member Maso moved to pull Item O as requested by Assistant City Manager Scott Young. Deputy Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

Deputy Mayor Pro Tem Reveal moved to approve the Consent Agenda as follows, excluding items G and O. Mayor Pro Tem Osuna seconded the motion. Motion carried. Vote: 6-0.

- A. There were no minutes to be considered for approval.
- B. Approval of Payment #5 for Fire Station #4 to Owen Commercial Construction in the amount of \$57,568.43. (Fire Dept.)
- C. Award of bid for Spur 33 Extension/Kings Ridge Road to Mario Sinacola & Sons in

the amount of \$1,222,973.00. (Engineering Dept.)

- D. Approval of Payment #6 for Eldorado Parkway from Preston to Hillcrest to Site Concrete, Inc. in the amount of \$24,271.29. (Engineering Dept.)
- E. Approval of Payment #6 for Frisco Square, Phase I Management District Projects to Mario Sinacola & Sons in the amount of \$438,367.92. (Engineering Dept.)
- F. Approval of a professional services agreement by and between the City of Frisco and the Frisco Cycling Club regarding the administration of cycling programs at the Superdome® in Frisco and adoption of **Resolution No. 02-03-54R** authorizing the City Manager to execute the agreement. (Superdrome)
- G. Consider and act upon approval of an Ordinance calling an election for a Charter Revision. (City Manager's Office)**

Mr. Bacchus was present regarding questions about the procedure in which the election was called at the February 19, 2002 Meeting. He felt that the Council had no authority to change the recommendations of the Charter Revision Committee. He felt that there were several items that were violated in the existing Home Rule Charter. He stated the Council did not have the Ordinance at the February 19, 2002 Meeting that changed the number of Propositions from 19 to 20. He recommended that the Council go back and re-adopt the ordinance.

Richard Abernathy, City Attorney, respectfully disagreed with Mr. Bacchus. Mayor Seei requested that Mr. Bacchus meet with Mr. Abernathy during the meeting prior to the Council voting on the items. Council member Maso moved to pass on the item to allow for Mr. Bacchus to meet with Mr. Abernathy. Council member West seconded the motion. Motion carried. Vote: 6-0.

Mayor Seei asked if Mr. Bacchus had expressed his concerns to the Charter Review Commission. He stated No, he was speaking as an individual citizen. Mr. Bacchus informed the Council that the Charter Revision Committee had worked extremely hard on the proposed revisions to the charter and he felt that the Council did not have the "right" to make the changes at the February 19, 2002 Meeting. He stated that all the Council had to do was take the propositions presented and put them before the voters. Again, Mr. Bacchus stated that he felt that the City Council should present the 20 Propositions recommended by the CRC to the voters. At this time Mr. Bacchus stated that he did not want his name on the revisions.

Following further discussion, Deputy Mayor Pro Tem Reveal moved to recess for ten minutes to contact other members of the Charter Revision Committee. Council member West seconded the motion. Motion carried. Vote: 6-0.

Deputy Mayor Pro Tem Reveal moved to reconvene into regular meeting. Council member West seconded the motion. Motion carried. Vote: 6-0.

Mayor Seei stated that some of the CRC members were going to attend the meeting, therefore the Council passed on the item to allow them time to attend the meeting.

Jennifer Granberry, Vice-Chair of the Charter Revision Committee was present and stated that she had always felt that it was their charge to give their recommendations to the City Council and the Council would have the final input. She stated that it was her belief that they were acting as an advisory board. She stated that she still supported the propositions that were brought forward and at this point it would be a disservice not to support the Charter Revision Committee's recommendations.

Dan Novak, CRC reiterated the opinions of Jennifer Granberry. He stated that he did appreciate Mr. Bacchus's concerns and for Mr. Bacchus stating for the record that he was speaking on his own behalf.

Deputy Mayor Pro Tem Reveal stated that she had contacted Jim Ruth and David Woodbury and they also reiterated the opinions of Ms. Granberry.

Billy Echols-Richter, CRC reiterated the opinions of Ms. Granberry and Mr. Woodbury.

Council member Simpson stated that he had spoken to Clark Lund and he agreed with the process and preferred not to delay the election until September 2002.

Mayor Pro Tem Osuna stated that he had spoken to Patti Kubanet and she agreed with the others.

Mr. Bacchus stated that he would support the revisions and that they could use his name on the revisions.

Following lengthy discussion, Council member Simpson moved to adopt **Ordinance No. 02-03-37** therein calling an Election for Saturday, May 4, 2002 for voters to vote on Propositions No. 1 – 19 amending the 1987 Home Rule Charter. Deputy Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

- H. Approval of an agreement by and between the City of Frisco and Parsons Transportation Group, Inc. for traffic signal design services and adoption of **Resolution No. 02-03-55R** authorizing the City Manager to execute the agreement. (Engineering)
- I. Adoption of a professional services agreement by and among the City of Frisco, the Frisco Independent School District, and Carter & Burgess, Inc. for professional design services for the Southeast Community Park and the FISD Stadium and Aquatic Center Complex and adoption of **Resolution No. 02-03-56R** authorizing the City Manager to execute the agreement. (Parks Dept.)
- J. Approval of Pay Advance #4 for construction related to the Frisco Sports-Entertainment Complex to the Beck Group, Inc. in the amount of \$792,135.04.

(City Manager's Office/SY)

- K. Authorization to purchase wide and local area network equipment, maintenance, and installation from Interstructure, Inc. in an amount not to exceed \$63,615.00. (City Manager's Office/JG)
- L. Consider and act upon authorization to purchase furniture/fixtures/equipment as needed to staff 6801 Main Street. (City Manager's Office/JG)
- M. Approval of Interlocal Agreement by and between the City of Frisco and the County of Collin regarding the regulation of subdivision plats and related permits in the City's Extraterritorial Jurisdiction and approval of **Resolution No. 02-03-55R** authorizing the Mayor to sign the Agreement. (City Manager's Office/JG)
- O. Consider and act upon award of a bid to remove fill material to Rodman Excavation in the amount of \$342,195.00. (City Manager's Office/SY)**

Scott Young requested that the Council postpone action until after Closed Session.

Council member Maso to pass, Council member West seconded the motion. Motion carried. Vote: 6-0.

The discussion continued on Item O following Closed Session.

Mayor Pro Tem Osuna moved to approve Item 6O subject to the right-of-way agreement for Coit Road being executed and determination of movement of dirt at Warren Sports Complex. Council member Nichols seconded the motion. Motion carried. Vote: 6-0.

- P. Consider and act upon the award of bid #0102-004 to Petroleum Traders, Inc for the purchase and delivery of fuels required by the City of Frisco. (Street Department/City Manager's Office/KH)

END OF CONSENT AGENDA

7. Legislative Agenda

Deputy Mayor Pro Tem Reveal stated that Tony Felker had requested that Item O be pulled for separate discussion. Mayor Pro Tem Osuna requested that items B.E. and F. be pulled for separate discussion.

Deputy Mayor Pro Tem Reveal moved to pull B.E.F. and O. Mayor Pro Tem Osuna seconded the motion. Motion carried. Vote: 6-0.

Deputy Mayor Pro Tem Reveal moved to approve the Legislative Agenda, excluding Items B.E.F. and O. Council member Simpson seconded the motion. Motion carried. Vote: 6-0.

- A. Approval of a Revised Preliminary Site Plan & Revised Conveyance Plat: DMC Addition, Block A, Lots 1 and 2. Applicant(s): McFrisco Partners I, Ltd. An automobile dealership and six office buildings on two lots on 25.7± acres on the northwest corner of the Dallas North Tollway and S.H. 121. Zoned Planned Development-31-Commercial Center/Garden Office and Planned Development-98-Office-2. Neighborhood #34. (Planning Dept.)
- B. Consider and act upon approval of a Preliminary Plat: Griffin Estates. Applicant(s): Shaddock Developers, Ltd. 208 Single-Family-5, 216 Single-Family-4, 303 Single-Family-3 lots, and two open space lots on 322.2± acres on the west side of Legacy Drive, 800± feet south of Eldorado Parkway (F.M. 2934). Zoned Patio Home, Single-Family-5, Single-Family-4, and Single-Family-3. Neighborhood #45. (Planning Dept.)**

Mayor Pro Tem Osuna stated that he was concerned that the subdivision was proposed to be gated and felt that the trend was being carried to the north of FM 720 as it appears to the south of FM 720. Council member Maso asked if the hike and bike trail in the subdivision would be accessible to the public. Deputy Mayor Pro Tem Reveal asked if the subdivision is contiguous to another gated community. Director of Planning John Lettelleir stated that it is not contiguous to an existing gated community.

Following discussion, Mayor Pro Tem Osuna moved to approve the Preliminary Plat of Griffin Estates subject to removal of the gated community option. Deputy Mayor Pro Tem Reveal seconded the motion. Motion carried. Voting for: Council member Nichols, Mayor Pro Tem Osuna, Deputy Mayor Pro Tem Reveal and Council member West. Voting against: Council member Simpson and Council member Maso. Motion carried. Vote: 4-2.

- C. Consider and act upon approval of a Final Plat: Enterprise Drive. Applicant(s): Connell Development Company. Right-of-way dedication on 1.8± acres on the east side of Frisco Street (F.M. 2934), 1,490± feet north of Main Street (F.M. 720). Zoned Commercial-2. Neighborhood #46. (Planning Dept.)
- D. Consider and act upon approval of an Amended Plat: The Lakes of Preston Vineyards Villages - Phase 5. Applicant(s): DPDI, Ltd. 70 Two-Family lots and one Single-Family-5 lot on 22.1± acres on the south side of Rolater Drive, 500± feet east of Hillcrest Road. Zoned Planned Development-38-Multi-Family-2. Neighborhood #25. (Planning Dept.)
- E. Consider and act upon approval of a Concept Plan: Griffin Parc Middle School. Applicant(s): RLK Engineering, Inc. An Elementary School, Middle School, and City Park located on 42.0+ acres on the southwest corner of Eldorado Parkway and Lenox Lane. Zoned Agricultural. Neighborhood #45. (Planning Dept.)**

Mayor Pro Tem Osuna asked if the stadium is proposed to be lighted. John Lettelleir stated that at this time the school does not plan on the stadium being lighted.

John Lettelleir stated the subdivision to the west is under construction at this time and there will be homes built prior to the completion of the stadium. John Lettelleir stated that Frisco ISD is aware of the City's concerns about lighted stadiums. The Council requested that the school district put a sign on the site indicating the site is proposed for a future athletic field.

Following discussion, Mayor Pro Tem Osuna moved to approve Items 7E and 7F. Deputy Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

- F. Consider and act upon approval of a Site Plan & Final Plat: Griffin Parc Middle School. Applicant(s): Frisco Independent School District. A middle school on one lot of 23.0± acres on the southwest corner of Eldorado Parkway and Lenox Lane. Zoned Agricultural. Neighborhood #45. (Planning Dept.)

Following discussion, Mayor Pro Tem Osuna moved to approve Items 7E and 7F. Deputy Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

- G. Consider and act upon approval of a Final Plat: Meadows of Preston, Phase 2. Applicant(s): Legacy/Monterey Homes, L.P.. 90 single-family lots on 22.9± acres on the southwest corner of King's Ridge Road and future Spur 33. Zoned Planned Development-9-Multi-Family-1. Neighborhood #19. (Planning Dept.)
- H. Consider and act upon approval of a Final Plat: Panther Creek Parkway (Grayhawk Addition). Applicant(s): Eldorado Ranch Ltd. Right-of-way dedication for Panther Creek Parkway on 3.9± acres on the east side of F.M. 423, 4,700± feet north of Eldorado Parkway. (Planning Dept.)
- I. Approval of a Concept Plan & Conveyance Plat: Albertson's Center. Applicant(s): Callaway Architects and Lawrence Cates & Associates. Four lots on 15.9± acres on the southwest corner of Eldorado Parkway and Preston Road. Zoned Commercial-1. Neighborhood #11. (Planning Dept.)
- J. Approval of a Site Plan & Final Plat: Town & Country Office Park. Applicant(s): Cloudloft Investments, LC. 13 office buildings on one lot on 3.9± acres on the north side of Town & Country Boulevard, at Town Center Lane. Zoned Planned Development-13-Garden Office. Neighborhood #34. (Planning Dept.)
- K. Approval of a Site Plan & Final Plat: Shah Addition, Block 1, Lot 1. Applicant(s): M.T.O. Shahmaghsoudi Congregation. A church on one lot on 8.2± acres on the south side of Stonebrook Parkway, at John Wesley Drive. Zoned Single Family-4 with a specific use permit for a church. Neighborhood #23. (Planning Dept.)
- L. Approval of a Final Plat: Stonelake Estates, Phase 1. Applicant(s): Shaddock Developers, LTD. 183 single-family lots, three open space lots, and one school lot on 82.7± acres on the west side of Custer Road, 800± feet south of future Eldorado Parkway. Zoned Planned Development-Multifamily/Single Family-5/Single Family-3/Single Family-1. Neighborhood #15. (Planning Dept.)

- M. Approval of a Site Plan & Final Plat: Shafer Plaza at Preston Ridge. Applicant(s): Shafer Plaza XXII, Ltd. Seven retail buildings on one lot on 23.3± acres on the west side of Preston Road 240± feet south of Gaylord Parkway. Zoned Planned Development-25. Neighborhood #35. (Planning Dept.)
- N. Adoption of **Ordinance No. 02-03-38** therein amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01 and Ordinance No. 00-11-15, granting a Specific Use Permit for Open Storage on 5.6± acres on the north side of C.R. 112 at S.H. 121. Zoned Highway with Specific Use Permit-74 and Specific Use Permit-102 for Open Storage. Neighborhood #27. (SUP2002-0001) (Planning Dept.)
- O. Adoption of an Ordinance amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01, Article III, Section 1 (Residential Districts) and Article IV, Section 4 (Off-Street Parking and Loading Requirements). (Multi-Family Parking) (ZA2001-0008) (Planning Dept.)**

Tony Felker was present to speak against the adoption of the ordinance. He stated that he felt that the City should not get into enforcement of items placed on private property, i.e. storage allowed in garages.

There being no one else to address the Council, Deputy Mayor Pro Tem Reveal moved to adopt **Ordinance No. 02-03-29** therein amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01, Article III, Section 1 (Residential Districts) and Article IV, Section 4 (Off-Street Parking and Loading Requirements). (Multi-Family Parking) (ZA2001-0008). Mayor Pro Tem Osuna seconded the motion. Motion carried. Voting for: Council member Nichols, Mayor Pro Tem Osuna, Deputy Mayor Pro Tem Reveal, and Council member West. Voting against: Council member Simpson and Council member Nichols. Vote: 4-2.

- P. Adoption of **Ordinance No. 02-03-30** therein amending Frisco Ordinance #02-02-28 establishing that the Frisco Board of Adjustments shall serve as the Construction Board of Appeals. (Development Services)
- Q. Adoption of **Ordinance No. 02-03-31** ordering a Joint General and Special Election to be conducted on Saturday, May 4, 2002. (City Secretary's Office)
- R. Approval of Joint Election Contract by and among the City of Frisco, Frisco Independent School District, and Collin County Community College District and adoption of **Resolution No. 02-03-58R** therein authorizing the Mayor to execute the Contract. (City Secretary's Office)
- S. Adoption of **Ordinance No. 02-03-32** amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01, Article granting a Specific Use Permit for a Church on 8.8± acres on the northwest corner of Rolater Drive and King's Ridge Road. Zoned Planned Development-54-Multi-Family. Neighborhood #19. (SUP2001-0024) (Planning Dept.)

END OF LEGISLATIVE AGENDA

Regular Agenda:

8. Consider and act upon providing staff direction regarding the use of the Government Access Channel for political purposes.

Discussion regarding the use of Government Access Channel for political purposes.
Discussion only, no formal action was taken.

9. Public Hearing: Zoning Case Z2001-0019. Applicant(s): Newman Real Estate and Willow Park Development, LLC. A request to rezone 19.9+ acres on the northeast corner of Parkwood Boulevard and future John Hickman Parkway from Multi-Family-1 to Planned Development-Multi-Family-1. Neighborhood #30. Consider and act to instruct staff to prepare an Ordinance on the above request. Tabled at the August 21, 2001, September 4, 2001 and November 20, 2001, City Council Meeting. (Planning Dept.)

Council member Maso moved to **table** the item until the May 7, 2002 Meeting. Council member West seconded the motion. Motion carried. Vote: 6-0.

Mayor Pro Tem Osuna asked that the Fire Department review the names of the streets prior to the May 7, 2002 Meeting.

10. Consider and act upon approval of a Concept Plan: Willow Pond - Phase II. Applicant(s): Newman Real Estate and Willow Park Development, LLC. 78 Patio Home lots and three open space lots on 19.9+ acres on the northeast corner of Parkwood Boulevard and John Hickman Parkway. Zoned Multi-Family-1. Requested zoning is Planned Development-Multi-Family-1. Neighborhood #30. Tabled at the August 21, 2001, September 4, 2001 and November 20, 2001, City Council Meetings. (Planning Dept.)

Council member Maso moved to **table** the item until the May 7, 2002 Regular Meeting. Council member West seconded the motion. Motion carried. Vote: 6-0.

11. No item.

12. Public Hearing: Moratorium Traffic Impact Analysis (TIA) Ordinance - Subdivision Regulation Ordinance. Applicant(s): City of Frisco. A request to amend the Subdivision Regulation Ordinance, creating section 7.16 (Traffic Mitigation for Moratorium Areas). Tabled 1/30/02 & 2/6/02. (Planning Dept.)

Deputy Mayor Pro Tem Reveal opened the public hearing. Council member West seconded the motion. Motion carried. Vote: 6-0.

There being no one else to address the Council, Council member Maso closed the public hearing. Deputy Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

Council member Maso moved to withdrawal the moratorium traffic impact analysis (TIA) Ordinance. Deputy Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

13. Public Hearing: Replat & Revised Site Plan: Block A, Lots 3, 5, and 6 (Tutor Time) Teel & 720 Retail Addition. Applicant(s): Tutor Time Child Care/Learning Center. A day care on one lot on 2.3+ acres on the north side of Main Street/FM 720, 500+ feet east of Teel Parkway. Zoned Retail with Specific Use Permit No. 119 for a Day Care. Neighborhood #45. (Planning Dept.)

Deputy Mayor Pro Tem Reveal moved to accept the withdrawal of the request from the applicant. Council member West seconded the motion. Motion carried. Vote: 6-0.

14. Public Hearing: Zoning Case ZA2001-0003. Applicant(s): City of Frisco. A request to amend the Comprehensive Zoning Ordinance regarding the regulation of signs. Tabled 12/11/01 and 1/22/02. (Planning Dept.)

Doug Mousel was present to address the Council with the staff and the Planning & Zoning Commission's recommendations.

Buddy Minett, Chair of the Planning & Zoning Commission, was present to address the Council. Chair Minett stated that the two issues were the kiosk directional signs and the stake signs.

Council member Maso moved to recess into Closed Session at 9:45 p.m. for consultation with City Attorney. Deputy Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

Mayor Seei announced the Council was in Closed Session at 9:45 p.m. as authorized by Texas Government Code, Section 551.071.

Mayor Pro Tem Osuna moved to reconvene into Open Session at 10:20 p.m. Council member West seconded the motion. Motion carried. Vote: 6-0.

Council member Maso opened the public hearing. Council member West seconded the motion. Motion carried. Vote: 6-0.

Marsue Hackner, Jerry Ragsdale, Chaz Fitzgerald, Eddie Collins, Jack Coffey, Robert Swataski, Sal Sontanell, John McKenzie, John McFarlane and Anthony Akinyede were present to address the Council speaking in favor of the Planning & Zoning Commission's recommendations.

Richard Caplan, Planning & Zoning Commissioner, was present to address the Council. He stated that the P&Z Commission did not have enough time to review the staff recommendations submitted to the Council.

There being no one else to address the Council, Deputy Mayor Pro Tem Reveal closed the public hearing. Council member Nichols seconded the motion. Motion carried. Vote: 6-0.

Deputy Mayor Pro Tem Reveal moved to recess into Closed Session at 11:50 p.m. Council member Maso seconded the motion. Motion carried. Vote: 6-0.

Mayor Seei announced the Council was in Closed Session at 11:50 p.m. as authorized by Texas Government Code, Section 551.071.

Deputy Mayor Pro Tem Reveal moved to reconvene into Regular Session at 12:05 a.m. Mayor Pro Tem Osuna seconded the motion. Motion carried. Vote: 6-0.

Following discussion, Deputy Mayor Pro Tem Reveal moved to instruct Staff to prepare an ordinance incorporating the following:

- Addition of Kiosk signs allowed in the right-of-way.
- The wording or language around stake signs will be taken from the existing sign ordinance.

Council member Nichols seconded the motion. Motion carried. Vote: 6-0.

Mayor Pro Tem Osuna stated that there are other items within the body of the ordinance that need to be addressed prior to the final adoption of the ordinance, i.e. window signs, etc.

Council member Nichols stated that for the record that in the month of January 2002 the City has had more housing starts than the City had in 2001.

15. Public Hearing/First Hearing – For citizen input regarding the following involuntary annexations instituted by the City of Frisco, Texas.

Deputy Mayor Pro Tem Reveal moved to open the public hearing. Mayor Pro Tem Osuna seconded the motion. Motion carried. Vote: 6-0.

City Attorney Richard Abernathy stated that the properties are within the City of Frisco's Extraterritorial Jurisdiction, contiguous to the existing City Limits and the service plan was available for public inspection.

TRACT 1: Involuntary annexation of 111.67 acres, more or less, located in the M.E.P. & P.R.R. Survey Abstract No. 1476, the Philip Barnes Survey Abstract No. 79, the R. Taylor Survey Abstract No. 1671, the S. Hawkins Survey Abstract No. 580 and the Thomas Bristow Survey Abstract No. 35, Denton County, Texas, owned by Rudman Partnership, etal. Applicant: City of Frisco Case IA2002-01

TRACT 2: Involuntary annexation of 603.92 acres, more or less, located in the J.L.

Sailing Survey Abstract No. 1675, the J. Bates Survey Abstract No. 1620, the C.L. Smith Survey Abstract No. 1681, the A. Robertson Survey No. 1487, the F. Hawkins Survey Abstract No. 582, W.P. Bates Survey Abstract No. 73, and the S. Whittenburg Survey Abstract No. 1510, Denton County, Texas, owned by Gary Bedford Davis, Eland Energy Inc., J.B. Daiches, John K. Blank, Charles E. Shoemaker, and Ned Abbott. Applicant: City of Frisco Case IA2002-02

TRACT 3: Involuntary annexation of 184.44 acres, more or less, located in the E. Hawkins Survey Abstract No. 581 and the J. Hogue Survey Abstract No. 1714, Denton County, Texas, owned by Nui Investments, Ltd., Veninga Inc. Co., Dr. F. W. Veninga, and Frederick W. Veninga Sr. etal. Applicant: City of Frisco Case IA 2002-03

TRACT 4: Involuntary annexation of 190.30 acres, more or less, located in the Collin County School Land Survey Abstract No. 147, the Collin County School Land Survey Abstract No. 148, and the J.L. Hogue Survey Abstract No. 406, Collin County, Texas, owned by Frederick W. Veninga Sr. etal. Applicant: City of Frisco Case IA2002-04

TRACT 5: Involuntary annexation of 93.74 acres, more or less, located in the Collin County School Land Survey Abstract No. 147, Collin County, Texas, owned by Ernest A. Mahard, Jr. Applicant: City of Frisco Case IA2002-05

TRACT 6: Involuntary annexation of 160.00 acres, more or less, located in the H.C. Barnes Survey Abstract No. 58, Collin County, Texas, owned by Ernest A. Mahard, Jr. and Mahard Egg Farm Inc. Applicant: City of Frisco Case IA2002-06

TRACT 7: Involuntary annexation of 159.94 acres, more or less, located in the Collin County School Land Survey Abstract No. 148, Collin County, Texas, owned by Diana Lynn, Smotherman & Ronald O. Lynn, and Mahard Egg Farm Inc. Applicant: City of Frisco Case IA2002-07

TRACT 8: Involuntary annexation of 107.43 acres, more or less, located in the Collin County School Land Survey Abstract No. 148, Collin County, Texas, owned by Prosper Methodist Church. Applicant: City of Frisco Case IA2002-08

TRACT 11: Involuntary annexation of 365.99 acres, more or less located in the T.J. Jamison Survey Abstract No. 481, Collin County School Land Survey Abstract No. 155 and I.C. Williamson Survey Abstract No. 947, Collin County, Texas, owned by Mustang-Midway Plano, Ltd. and Preston 380/153 Venture. Applicant: City of Frisco Case IA2002-09

TRACT 12: Involuntary annexation of 293.94 acres, more or less, located in the Collin County School Land Survey Abstract No. 155, Collin County, Texas, owned by M.K. Ratcliff Jr. Applicant: City of Frisco Case IA2002-10

TRACT 13: Involuntary annexation of 327.17 acres, more or less, located in the Collin County School Land Survey Abstract No. 155 and the J.W. Cox Survey Abstract No. 159, Collin County, Texas, owned by M.K. Ratcliff and Stewart L. Armstrong. Applicant:

City of Frisco Case IA2002-11

TRACT 14: Involuntary annexation of 490.96 acres, more or less, located in the J.H. Collins Survey Abstract No. 219, Collin County, Texas, owned by Michael L. Minzer et al, Mary E. Vowan Dowdy, Martha Vowan Henery, Charlotte C. Vowan, Mary Ann Vowan, Ben & Mary Vowan and Henry A. Barlow. Applicant: City of Frisco Case IA2002-12

TRACT 15: Involuntary annexation of 322.01 acres, more or less, located in the I.C. Williamson Survey Abstract No. 947, the J.R. Hague Survey Abstract No. 405, and the W.C. Barnes Survey Abstract No. 59, Collin County, Texas, owned by Mary Ann Vowan, W.R. Blackmon, Vicki Davis, Jerry C. Davis, Frisco Coit 380 Ltd., and Coit United Investors LP. Applicant: City of Frisco Case IA2002-13

TRACT 18: Involuntary annexation of 183.61 acres, more or less, located in the J. Boling Survey Abstract No. 31, the W.B. Watkins Survey Abstract No. 1004, the J.H. Goode Survey Abstract No. 342, the Collin County School Land Survey Abstract No. 152, T. Cassady Survey Abstract No. 1101, the Collin County School Land Survey Abstract No. 148, the C.L. Smith Survey Abstract No. 807, the H.C. Barnes Survey Abstract No. 58, the German Immigration Co. Survey Abstract No. 358, and the Collin County School Land Survey Abstract No. 147, Collin County, Texas, owned by City of Frisco. Applicant: City of Frisco Case IA2002-14

TRACT 19: Involuntary annexation of 197.655 acres, more or less, located in the M. Harris Survey Abstract No. 564 and the J. White Survey Abstract No. 1394, Denton County, Texas, owned by Frisco Independent School District and City of Frisco. Applicant: City of Frisco Case IA2002-15

TRACT 20: Involuntary annexation of 50.00 acres, more or less, located in the Crain and Warren Survey Abstract No. 229, Denton County, Texas, owned by Al Blum Trustee. Applicant: City of Frisco Case IA2002-16

TRACT 21: Involuntary annexation of 1,112.20 acres, more or less, located in the Collin Country School Land Survey Abstract No. 148, C.L. Smith Survey Abstract No. 807 and B.J. Naugle Survey Abstract No. 669, Collin County, Texas, owned by St. Louis, San Francisco and Texas RR and Bert Fields, Jr. Applicant: City of Frisco Case IA2002-17

TRACT 22: Involuntary annexation of 1,901.57 acres, more or less, located in the MEP & PRR Survey Abstract No. 917, MEP & PRR Survey Abstract No. 941, W. Bates Survey Abstract No. 83, MEP & PRR Survey Abstract No. 921, J. Hogue Survey Abstract No. 1714, L. Netherly Survey Abstract No. 962, C. Jackson Survey Abstract No. 665, R. Bates Survey Abstract No. 68, J. Landrum Survey Abstract No. 764, S. Whiteburg Survey Abstract No. 1510, C. Smith Survey Abstract No. 1185, C. Rogers Survey Abstract No. 1133, and W.E. Bates Survey Abstract No. 90, Denton County, Texas, owned by Bert Fields, Jr., Lai Shang Shiu et al, Forrest & Ann Louise Ainsworth, and Bethel Methodist Church. Applicant: City of Frisco Case IA2002-18

TRACT 23: Involuntary annexation of 80.88 acres, more or less, located in the Collin

County School Land Survey Abstract No. 147, Collin County, Texas, owned by Jos. Irion Worsham and Metten Real Estate LP. Applicant: City of Frisco Case IA2002-19

TRACT 24: Involuntary annexation of 87.47 acres, more or less, located in the L.J. Leeper Survey Abstract No. 528, Collin County, Texas, owned by I.T. Story. Applicant: City of Frisco Case IA2002-20

TRACT 25: Involuntary annexation of 33.33 acres, more or less, located in the MEP & PRR Co. Survey Abstract No. 919, Denton County, Texas, owned by F. & Christine Mirbagneri Fesharaki. Applicant: City of Frisco Case IA2002-21

TRACT 26: Involuntary annexation of 353.48 acres, more or less located in the BBB & CRR Survey Abstract No. 194, the R.P. Hardin Survey Abstract No. 611, the M. Hunt Survey Abstract No. 624, the David Lawhorn Survey Abstract No. 727, the J.W. Ragland Surveys Abstract Nos. 1092 and 1093, and the L.B. White Survey Abstract No. 1394, Denton County, Texas, owned by US Army Corps of Engineers. Applicant: City of Frisco Case IA2002-22 (City Secretary's Office)

M.K. Ratcliff, Jr., Dr. William Taylor, Charlotte Vowan, Dolores Veninga, Kirk Williams and Trey Sibley were present to speak against the annexation of the properties into the City Limits. Staff was asked to meet with the property owners to answer their concern

16. Consider and act upon designation of procurement and construction methods to be used for future City Hall, McKinney Road Park, and the future Public Works Facility

Assistant City Manager Scott Young was present to address the Council regarding the designation of procurement and construction methods to be used for future City Hall, McKinney Road Park and the future Public Works Facility.

Following lengthy discussion, Deputy Mayor Pro Tem Reveal moved to have staff move forward with:

1. The RFQ for project manager on all (3) three projects referenced above.
2. Submit proposal for Construction Manager at Risk and
3. Architect for City Hall.

Mayor Pro Tem Osuna seconded the motion. Motion carried. Vote: 6-0.

17. Consider and act upon the selection of Hunt Construction Group to perform the services of Owner's Representative at the Frisco Sports/Entertainment Complex and authorize the City Manager to negotiate an Agreement for the services. (City Manager's Office/SY)

Assistant City Manager Scott Young was present to address the Council regarding the construction of the Frisco Sports Complex.

Following discussion, Mayor Pro Tem Osuna moved to select Hunt Construction Group to perform the services of Owner's Representative at the Frisco Sports/Entertainment Complex and to authorize the City Manager to finalize the negotiations for the agreement. Council member Simpson seconded the motion. Motion carried. Vote: 6-0.

18. Consider and act upon resignation by a City Council Member. (City Council Request)

Council member Simpson announced his intent to run for Mayor in the upcoming Officers Election. He therefore submitted his letter of resignation from Place 6 on the City Council. Following discussion, Deputy Mayor Pro Tem Reveal moved to accept Council member Simpson's letter of resignation. Council member Maso seconded the motion. Motion carried. Vote: 6-0.

19. Consider and Act upon appointment to fill current City Council vacancies. (City Council Request)

Council member Simpson and Mayor Pro Tem Osuna stepped down from the table. Following discussion, Deputy Mayor Pro Tem Reveal moved to appoint Buddy Minett and Mike Zapata as interim council members. Council member Nichols seconded the motion. Voting for: Council member Nichols, Deputy Mayor Pro Tem Reveal, Council member West and Council member Maso. Abstaining (No vote): Mayor Pro Tem Osuna and Council member Simpson.

Buddy Minett and Mike Zapata were declared to be Interim City Council members until after the May 4, 2002 Election and possible June 1, 2002 Runoff Election.

20. Discussion regarding City of Frisco electronic mail routing procedures. (City Council request/JG Lead)

Mayor Seei stated that she had requested the item be placed on the agenda. She stated that her questions have been answered and recommended no action on this item.

21. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code

Council member Maso moved to recess into Closed Session at 2:10 a.m. Council member West seconded the motion. Motion carried. Vote: 6-0.

Mayor Seei announced the Council was in Closed Session at 2:10 a.m. as authorized by Texas Government Code, to wit:

- I. Section 551.086. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
- II. Section 551.071. Consultation with the attorney for the City regarding:
 - (a) legal aspects of changes to zoning and subdivision regulations;

- (b) the condemnation of right of way for Coit Road, and potential settlement offers;
 - (c) Case No. 2002-30043-211 in the Denton County District Court in the case of Steve Nichols, etal. v. Kathleen A. Seei.
- III. Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:
 - (a) West of Preston Road, east of Legacy Drive, north of Stonebrook Parkway, and south of Eldorado Parkway; and,
 - (b) West of BN Rail Road, east of Teel Road, north of FM 720 and south of US 380.

22. Reconvene into Regular Session and take any action necessary as a result of the Closed Session

Mayor Pro Tem Osuna moved to reconvene into Regular Session at 2:30 a.m. Council member West seconded the motion. Motion carried. Vote: 6-0.

Following discussion, Mayor Pro Tem Osuna moved to authorize City Manager George Purefoy to negotiate development agreement with land owners within the moratorium area. Council member Maso seconded the motion. Motion carried. Vote: 6-0.

23. Consider and act upon authorizing the City Manager to enter into a lease for property within Frisco Square

Deputy Mayor Pro Tem Reveal moved to **table** the item. Council member West seconded the motion. Motion carried. Vote: 6-0.

24. Consider and act upon approval of an addendum to the Development Agreement by and between the City of Frisco and Legacy Stonebriar Hotel, Ltd. and adopt a resolution authorizing the City Manager to execute the agreement.

City Manager George Purefoy informed the Council that it would be very helpful to the Legacy Stonebriar Hotel, Ltd. to provide them a six-month extension. Peter Streit requested the Council extend their Development Agreement. Following discussion, Council member Maso moved to approve an addendum to the Development Agreement by and between the City of Frisco and Legacy Stonebriar Hotel, Ltd. and adoption of **Resolution No. 02-03-59R** therein authorizing the City Manager to sign the same. Mayor Pro Tem Osuna seconded the motion. Motion carried. Vote: 6-0.

25. Consider and act upon approval of a Development Agreement by and between the City of Frisco and MedLand, LP regarding Medical Office Buildings

Richard Abernathy stated that he felt that the final draft agreement reflects the requirements/desires of the City Council. Following discussion, Deputy Mayor Pro Tem Reveal moved to approve a Development Agreement by and between the City of Frisco and MedLand, L.P. regarding Medical Office Buildings. Council member West seconded the motion. Motion carried. Vote: 6-0.

26. Public Hearing: Moratorium Traffic Impact Analysis (TIA) Ordinance – Comprehensive Zoning Ordinance. Applicant(s): City of Frisco. A request to amend the Comprehensive Zoning Ordinance, Article IV, Section 10.12 (Traffic Mitigation for Moratorium Areas). Tabled 1/30/02 & 2/6/02. (Planning Dept.)

Deputy Mayor Pro Tem Reveal opened the public hearing. Council member West seconded the motion. Motion carried. Vote: 6-0.

There being no one else to address the Council, Council member Maso closed the public hearing. Deputy Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

Council member Maso moved to withdraw the moratorium traffic impact analysis (TIA) Ordinance per staff's recommendations. Deputy Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

27. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda

Mr. Purefoy to send an update to the Council, no formal action was taken.

28. Discussion on Governance Monitoring of present City Council Meeting

Council member Nichols monitored the present City Council Meeting. He stated that the Council was overly long on the annexations, sign ordinance and procurement architect, etc. for City Hall.

29. Adjourn

There being no additional business, the Meeting was adjourned at 2:45 a.m.

Kathleen A. Seei, Mayor

ATTEST:

Nan Parker, City Secretary